IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL (LOD) NO.775 OF 2005

The Commissioner of Income-tax ..Appellant.

V/s.

Legal Heirs of late Dr.(Mrs.)
S.R. Pandit ..Respondents.

Mr.Pankaj Kapoor with Parag Vyas for appellant.

Mr.J.D.Mistry with Vasanti Patel for respondents.

CORAM : V.C. DAGA AND
J.P.DEVADHAR, JJ.

DATED : 30TH AUGUST, 2005.

P.C. :-

1. By consent of parties, appeal is taken up for final hearing on admission.

2. It is not in dispute that the issue sought to be raised in the present appeal is squarely covered by the Division Bench Judgment of this Court in C.I.T. V/s. ACE Builders (P) Ltd. reported in (2005) 195 Current Tax Reporters Report, 1 to which one of us (J.P.Devadhar, J.) was a party.

3. The learned counsel appearing for the appellant tried to distinguish the above Judgment delivered by this Court in the Ace Builders, however, he could not take his submissions to the logical end.

4. We are of the confirmed view that the issue sought to be raised is squarely covered by the aforesaid Judgment of this Court. There is thus no merit in the appeal. The same is dismissed in limine with no order as to costs.

(V.C. DAGA, J.)

(J.P.DEVADHAR, J.)